



WEB COPY



WP.No.27579 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.No.27579 of 2023

M.Arul Raja Rathianam

.. Petitioner

Versus

The Joint Director

O/o. The Joint Director (Aided Schools)

DPI Campus, College Road

Nungambakkam, Chennai – 600 006

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent herein to consider the petitioner's representation dated 04.07.2023 and consequentially direct the respondent herein to take the petitioner's pending appeal for hearing upon intimation to the petitioner herein so as to enable the petitioner to appear before the respondent herein and make his submission in respect of the appeal.

For Petitioner : Mr.R.Thirumaran
for Mr.G.Mohanakrishnan

For Respondents : Mr.P.Balathandayutham
Special Government Pleader

ORDER

The writ petition has been filed seeking to direct the respondent to dispose of the appeal dated 05.01.2015.

2. It is the case of the writ petitioner that he was issued with a charge

memo on 22.11.1999 for unauthorisedly absent in duty. In a departmental



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proceedings, the Assistant Elementary Education Officer passed orders directing the School Management to permit the petitioner to join duty dated 30.04.2010. Subsequently, the District Elementary Education Officer directing the petitioner to claim arrears and increment dated 27.07.2010, which was not complied. Hence, he filed a writ petition in W.P.No.23841 of 2010 which was dismissed and a writ appeal was filed in W.A.No.1744 of 2011 which disposed of directing the management to comply with the direction dated 30.04.2010 and 27.07.2010.

3. Pursuant to the contempt petition, the petitioner's salary was paid, however, higher pay was not granted on the ground that the petitioner was suffered with punishment of postponement of three increments with cumulative effect, however, liberty was granted to challenge the Order of the District Elementary Education Officer dated 05.06.2014. Therefore, the petitioner has filed an appeal before the second respondent on 05.01.2015, which is pending without consideration. Subsequently, in this regard, he has given a representation on 04.07.2023 to dispose of the appeal. Hence, seeks a direction to dispose of the appeal dated 05.01.2015.

4. The learned Special Government Pleader would submit they will pass



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orders on merits on the basis of the representation dated 04.07.2023.

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3. Heard both sides and perused the materials placed on record. Considering the facts and circumstances of this case and the limited relief sought for in this writ petition, there shall be a direction to the respondent to consider the representation of the petitioner dated 04.07.2023 and pass appropriate orders on merits and in accordance with law within a period of two months from the date of receipt of a copy of this Order.

4. In view of the above, this writ petition stands disposed of. No costs.

21.09.2023

dhk

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

To

The Joint Director
O/o. The Joint Director (Aided Schools)
DPI Campus, College Road
Nungambakkam, Chennai – 600 006

N.SATHISH KUMAR, J.



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